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02/701 820 12/30/95 FLINN/AGA FIRST NAMED APPLICANT ATTORNEY DOCKET NO - 1614
APPLICATION NUMBER FILING DATE FIRST NAMED APPLICANT ATTORNEY DOCKET NO

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IM22/0514

PATENT EXAMINER

ART UNIT 2 PAPER NUMBER

DATE MAILED: 02/14/01

Below is a communication from the EXAMINER in charge of this application
COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check only a) or b)]

a) The period for reply expires 6 months from the mailing date of the final rejection.
b) In view of the early submission of the proposed reply (within two months as set forth in MPEP § 707.07(f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.

3. The proposed amendment(s) will not be entered because:

- they raise new issues that would require further consideration and/or search. (see NOTE below);
- they raise the issue of new matter. (see NOTE below);
- they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE:
In Claim 6, what the catalyst material is or how it is used, so support for its scope is a new issue. Applicants have also informally changed the scope of independent claims 21, 32, 41/50, so that the catalyst material causes crystallization, instead of preventing it, which is a new issue possibly even new matter.

4. Applicant's reply has overcome the following rejection(s):
12, 21 in class 59-63, 38-47,
5. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

6. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: *The 1st paragraph problems have not been corrected, so the prior art has not been rendered ineffective. If these issues have been informally & formally addressed, the affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.*

7. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

8. For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 24-36

Claim(s) withdrawn from consideration: _____

9. The proposed drawing correction filed on _____ a) has b) has not been approved by the Examiner.

10. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

11. Other: see attached Notice on Non-compliant Amendment

MARIANNE PADGETT
PRIMARY EXAMINER
GROUP 1300



UNITED STATES PATENT AND TRADEMARK OFFICE

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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38

DATE MAILED:

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 5/9/01 is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000).

- 1. The amendment does not include a clean version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(ii).
- 2. The amendment does not include a marked-up version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(iii)
- 3. The amendment does not include a clean version of the amended claim(s). 37 CFR 1.121(c)(1)(i)
- 4. The amendment does not include a marked-up version of the amended claim(s). 37 CFR 1.121(c)(1)(ii)
- 5. Other both the replacement paragraphs contain informal changes in both clean & marked up versions. For p.33, "450°" should be "450°C" (2nd to last line) and the first word of the 3rd paragraph on p. 41 is "Then" not "The". The claims, both marked-up and clean
 PRELIMINARY AMENDMENT: Unless applicant re-submits the preliminary amendment in compliance with revised 37 CFR 1.121 within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- AMENDMENT AFTER NON-FINAL ACTION: Since the above mentioned reply appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

APPLICANT SHOULD RE-SUBMIT THE AMENDMENT IN COMPLIANCE WITH 37 CFR 1.121 WITHIN THE TIME REMAINING IN THE PERIOD SET IN THE FINAL REJECTION. IF FILED AFTER THE SHORTENED STATUTORY PERIOD OF THREE MONTHS FROM THE DATE SET IN THE FINAL REJECTION, THE RESPONSE MUST BE ACCOMPANIED BY A REQUEST FOR EXTENSION OF TIME (WITH FEE) UP TO THE FULL STATUTORY PERIOD, IF NEEDED.

are also missing numerous phrases (informally deleted) that were present in the last version of the claims (amendment of 11/22/02). Particularly see claims 24, 32, 41 + 50. *MPP*

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